



# House of Representatives

General Assembly

**File No. 582**

January Session, 2011

Substitute House Bill No. 6303

*House of Representatives, April 19, 2011*

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE TREATMENT OF ILL AND INJURED ANIMALS IN MUNICIPAL ANIMAL SHELTERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2011*) Any regional or
- 2 municipal dog pound facility may enter into a contract with one or
- 3 more public or private nonprofit animal rescue organizations for the
- 4 payment by such animal rescue organization of the costs for providing
- 5 treatment by a licensed veterinarian to an injured, sick or diseased
- 6 animal that is impounded at such regional or municipal dog pound
- 7 facility. Such contract shall provide that: (1) No costs associated with
- 8 the provision of such treatment shall accrue to the municipality as a
- 9 result of such contract, (2) the selection of the licensed veterinarian to
- 10 provide such treatment shall be made by the public or private
- 11 nonprofit animal rescue organization that will be responsible for the
- 12 remittance of payment to such licensed veterinarian who provides
- 13 such treatment, (3) the determination of whether an animal is injured,
- 14 sick or diseased and in need of veterinary treatment shall be made by a

15 regional or municipal animal control officer who has custody of such  
16 animal, provided if any employee or volunteer of such regional or  
17 municipal dog pound facility notifies such animal control officer that  
18 an animal is injured, sick or diseased and in need of such veterinary  
19 treatment such animal control officer shall contact such public or  
20 private nonprofit animal rescue organization to arrange for the  
21 treatment of such animal by a licensed veterinarian, and (4) not later  
22 than twenty-four hours after receipt of a request from such municipal  
23 or regional dog pound facility that such public or private nonprofit  
24 animal rescue organization arrange for the provision of such treatment  
25 to an injured, sick or diseased animal impounded at such facility, such  
26 animal rescue organization shall select a licensed veterinarian to  
27 provide such treatment and take custody or control of such animal, as  
28 applicable, for the purpose of having such licensed veterinarian  
29 provide immediate treatment to such injured, sick or diseased animal.

30 Sec. 2. Section 22-332 of the general statutes is repealed and the  
31 following is substituted in lieu thereof (*Effective October 1, 2011*):

32 (a) The Chief Animal Control Officer, any animal control officer or  
33 any municipal animal control officer shall be responsible for the  
34 enforcement of this chapter and shall make diligent search and inquiry  
35 for any violation of any of its provisions. Any such officer may take  
36 into custody (1) any dog found roaming in violation of the provisions  
37 of section 22-364, (2) any dog not having a tag or plate on a collar about  
38 its neck or on a harness on its body as provided by law or which is not  
39 confined or controlled in accordance with the provisions of any order  
40 or regulation relating to rabies issued by the commissioner in  
41 accordance with the provisions of this chapter, or (3) any dog found  
42 injured on any highway, neglected, abandoned or cruelly treated. The  
43 officer shall impound such dog at the pound serving the town where  
44 the dog is taken unless, in the opinion of a licensed veterinarian, the  
45 dog is so injured or diseased that it should be destroyed immediately,  
46 in which case the municipal animal control officer of such town may  
47 cause the dog to be mercifully killed by a licensed veterinarian or  
48 disposed of as the State Veterinarian may direct. The municipal animal

49 control officer shall immediately notify the owner or keeper of any dog  
50 so taken, if known, of its impoundment. Such officer shall immediately  
51 notify the owner or keeper of any other animal which is taken into  
52 custody, if such owner or keeper is known. If the owner or keeper of  
53 any such dog or other animal is unknown, the officer shall  
54 immediately tag or employ such other suitable means of identification  
55 of the dog or other animal as may be approved by the Chief Animal  
56 Control Officer and shall promptly cause (A) a description of such dog  
57 or other animal to be published once in the lost and found column of a  
58 newspaper having a circulation in such town, and (B) a photograph or  
59 description of such dog or other animal and the date on which such  
60 dog or animal shall be available for adoption to be posted on a national  
61 pet adoption Internet web site, except that if an officer does not have  
62 the technological resources to post such information on such web site,  
63 such officer shall contact a public or private nonprofit animal rescue  
64 organization and request that such organization post such information  
65 at such organization's expense.

66 (b) If such dog or other animal is not claimed by and released to the  
67 owner within seven days after the date of publication, the municipal  
68 animal control officer, upon finding such dog or other animal to be in  
69 satisfactory health, may have a licensed veterinarian spay or neuter  
70 such dog and sell such dog or other animal to any person who satisfies  
71 such officer that he is purchasing it as a pet and that he can give it a  
72 good home and proper care. The municipal animal control officer may  
73 retain possession of such dog or other animal for such additional  
74 period of time as he may deem advisable in order to place such dog or  
75 other animal as a pet and may have a licensed veterinarian spay or  
76 neuter such dog. If, within such period, any dog or other animal is not  
77 claimed by and released to the owner or keeper or purchased as a pet,  
78 the officer shall cause such dog or other animal to be mercifully killed  
79 by a licensed veterinarian or disposed of as the State Veterinarian may  
80 direct. Any veterinarian who so destroys a dog shall be paid from the  
81 dog fund account. No person who so destroys a dog or other animal  
82 shall be held criminally or civilly liable therefor nor shall any licensed  
83 veterinarian who spays or neuters a dog pursuant to this section be

84 held civilly liable, including, but not limited to, liability for  
85 reconstructive neutical implantation surgery.

86 (c) The town treasurer or other fiscal officer shall pay from the dog  
87 fund account the advertising expense incurred under the provisions of  
88 this section upon receipt of an itemized statement together with a copy  
89 of the advertisement as published. Any person who purchases a dog as  
90 a pet shall pay a fee of five dollars and procure a license and tag for  
91 such dog from the town clerk, in accordance with the provisions of  
92 section 22-338.

93 (d) No regional or municipal dog pound facility, municipality,  
94 regional or municipal animal control officer or public or private  
95 nonprofit animal rescue organization that arranges for the provision of  
96 treatment by a licensed veterinarian to an injured, sick or diseased  
97 animal pursuant to a contract described in section 1 of this act shall be  
98 held criminally or civilly liable, as applicable, for such actions. No  
99 licensed veterinarian who provides treatment to an injured, sick or  
100 diseased animal as a direct result of a contract described in section 1 of  
101 this act shall be held civilly liable for the provision of such treatment.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2011	New section
Sec. 2	October 1, 2011	22-332

**ENV**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** See Below

***Explanation***

It is expected that a municipality that chooses to contract with an animal rescue organization will do so to the extent that local resources are available to defray related administrative costs.

The bill provides municipalities and their employees with immunity from criminal or civil liability when arranging for the treatment of an animal under this type of contract, thus precluding costs that might otherwise have been incurred in response to legal challenges.

No fiscal impact is expected to result from requiring animal control officers to post, or request that an organization post, information concerning a dog or other animal on a national pet adoption web site.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** See Above

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**OLR Bill Analysis****sHB 6303*****AN ACT CONCERNING THE TREATMENT OF ILL AND INJURED ANIMALS IN MUNICIPAL ANIMAL SHELTERS.*****SUMMARY:**

This bill authorizes any regional or municipal dog pound to contract with a public or private nonprofit animal rescue organization for the organization to pay a licensed veterinarian to treat an injured, sick, or diseased animal that is impounded. The bill specifies what a contract must contain.

By law, a municipality may use a dog pound to shelter other animals that are injured, mistreated, or roaming in a manner that endangers the animal or the public. State regulations require a dog pound to have a licensed veterinarian examine any impounded dog that appears sick or injured (Conn. Agencies Reg. § 22-336-28).

Under the bill, a regional or municipal dog pound, municipality, municipal or regional animal control officer (ACO), or public or private nonprofit animal rescue organization is not criminally or civilly liable for actions taken to have a licensed veterinarian treat an injured, sick, or diseased animal under a contract the bill authorizes. The bill bars civil liability for treatment provided by a licensed veterinarian to an injured, sick, or diseased animal as a result of such a contract.

The bill also requires the ACO, when the owner of an impounded dog or other animal is unknown, to post its photograph or description and the date on which it will be available for adoption on a national pet adoption website. If the ACO does not have the technological resources to post the information, he or she must contact a public or private nonprofit animal rescue organization and request that it (1) post the information and (2) pay any related expenses. Under existing

law, the ACO must post a description of such an animal in a local newspaper.

EFFECTIVE DATE: October 1, 2011

## **CONTRACT**

Under the bill, the contract must establish that:

1. the municipality will not become responsible for treatment costs incurred under it;
2. the public or private nonprofit animal rescue organization responsible for payment selects the licensed veterinarian who treats an animal;
3. a regional or municipal ACO that has custody of the animal determines whether it is injured, sick, or diseased and needs veterinary treatment, but if any pound employer or volunteer notifies the ACO that an animal is injured, sick, or diseased and needs treatment, the ACO must contact the organization to arrange treatment; and
4. the nonprofit animal rescue organization must, within 24 hours of a facility's request for treatment, select a licensed veterinarian and take custody or control of an animal, if necessary, to have the veterinarian treat the animal immediately.

## **BACKGROUND**

### ***Pounds***

Each municipality, other than those participating in a regional dog pound, must:

1. provide and maintain a suitable building as a pound, which must be comfortable for the detention and care of dogs and kept in a sanitary condition or
2. provide, through written agreement, for the detention and care

of impounded dogs by a licensed veterinarian, veterinary hospital, or commercial kennel; dog pound maintained by another city; or other suitable facility approved by the agriculture commissioner.

Any municipality may use the pound or facility to shelter other animals that are injured, mistreated, or roaming in a manner that endangers the animal or the public (CGS § 22-336).

***Legislative History***

On April 6, the House referred the bill (File 243) to the Environment Committee, which favorably reported a substitute that adds the contract provision in place of a requirement for ACOs to arrange treatment for an impounded animal that is ill or injured and a system for nonprofit organizations to arrange treatment when a dog pound could not afford it.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 1 (03/07/2011)

Environment Committee

Joint Favorable Substitute

Yea 23 Nay 0 (04/08/2011)